

Message Text

UNCLASSIFIED

PAGE 01 BONN 08677 181727 Z

46

ACTION EUR-25

INFO OCT-01 IO-13 ADP-00 EURE-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-07 H-02 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 SAJ-01

ACDA-19 MBFR-03 RSR-01 /115 W
----- 119251

O R 181654 Z JUN 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 5765

INFO AMEMBASSY LONDON IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMEMBASSY MOSCOW IMMEDIATE

USMISSION NATO BRUSSELS IMMEDIATE

USMISSION USUN NEW YORK IMMEDIATE

USMISSION BERLIN IMMEDIATE

AMCONSUL BREMEN

AMCONSUL DUESSELDORF

AMCONSUL FRANKFURT

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMCONSUL STUTTGART

UNCLAS BONN 8677

E. O. 11652: N/ A

TAGS: PINT, GW

SUBJECT: CONSTITUTIONAL COURT REJECTS SECOND BAVARIAN
REQUEST FOR INJUNCTION AGAINST ENTRY INTO FORCE OF BASIC
TREATY

REF: A. MUNICH 1001, B. BONN 8458

1. THE FEDERAL CONSTITUTIONAL COURT ON JUNE 18 REJECTED
THE BAVARIAN REQUEST FOR AN INJUNCTION FORBIDDING THE
FEDERAL GOVERNMENT TO CARRY OUT THE PLANNED JUNE 20
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 BONN 08677 181727 Z

EXCHANGE OF NOTES WITH THE GDR PUTTING THE BASIC TREATY INTO FORCE. DEPUTY FEDERAL PRESS SPOKESMAN GUENEWALD EXPRESSED SATISFACTION AT THE DECISION DURING A PRESS CONFERENCE IN BONN ON JUNE 18 AND SAID THE EXCHANGE OF NOTES WOULD TAKE PLACE AS SCHEDULED.

2. IN EXPLAINING ITS DECISION, THE SECOND SENAT OF THE CONSTITUTIONAL COURT SAID IT BELIEVED THAT POSTPONEMENT OF ENTRY INTO FORCE WOULD BRING WITH IT MAJOR POLITICAL DISADVANTAGES FOR THE FEDERAL REPUBLIC. THE JUDGES NOTED THE CLEAR CONNECTION BETWEEN ENTRY INTO FORCE OF THE BASIC TREATY AND UN MEMBERSHIP FOR THE TWO GERMAN STATES AND SAID THIS CONNECTION COULD NOT BE MAINTAINED IF THE INJUNCTION WERE ISSUED.

3. A CERTAIN AMOUNT OF LAST MINUTE DRAMA WAS INSERTED INTO THE SITUATION OVER THE WEEKEND WHEN THE COURT ON JUNE 16 GRANTED A BAVARIAN REQUEST FOR DISQUALIFICATION OF JUDGE JOACHIM ROTTMANN. ROTTMANN WAS REMOVED FROM THE CASE ON THE GROUNDS THAT HIS PUBLIC REMARKS ON THE CASE HAD INCLUDED LEGAL JUDGEMENTS ON A POSSIBLE VERDICT AND HAD THUS PREJUDGED HIS DECISION ON CONSTITUTIONALITY OF THE TREATY. ROTTMANN WILL ALSO BE INELIGIBLE TO PARTICIPATE IN REACHING THE DECISION ON THE TREATY ITSELF. HILLENBRAND

UNCLASSIFIED

NNNNMAFVVZCZ

*** Current Handling Restrictions *** n/a

*** Current Classification *** UNCLASSIFIED

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 18 JUN 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BONN08677
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730621/aaaajcon.tel
Line Count: 92
Locator: TEXT ON-LINE
Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: A.MUNICH 1001, B.BONN 8458
Review Action: RELEASED, APPROVED
Review Authority: kellerpr
Review Comment: n/a
Review Content Flags:
Review Date: 07 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07-Aug-2001 by maustmc>; APPROVED <20-Aug-2001 by kellerpr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> srp 980209; srp 980209
Subject: CONSTITUTIONAL COURT REJECTS SECOND BAVARIAN REQUEST FOR INJUNCTION AGAINST ENTRY INTO FORCE OF BASIC TREATY
TAGS: PINT, GW
To: EUR
SECSTATE WASHDC INFO BREMEN
HAMBURG
LONDON
MULTIPLE
Type: TE

Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005